

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

CHAO CHEN	:	DOCKET NO. 2:05-cv-1689 Section P
VS.	:	JUDGE MINALDI
ALBERTO GONZALES, ET AL.	:	MAGISTRATE JUDGE WILSON

REPORT AND RECOMMENDATION

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Chao Chen, filed pursuant to 28 U.S.C. § 2241. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. §636(b)(1)(B).

This petition for writ of *habeas corpus* was filed by petitioner to challenge his continued detention post-removal-order custody. Petitioner states that he is subject to removal order which became final on February 28, 2001 and that he has been in post-removal-order detention since February 25, 2005. He claims that his removal is not likely to occur in the reasonably foreseeable future.

In light of the facts presented by Petitioner, the court ordered the government to respond to the petition. In its response to the court's order, the government moves to dismiss the petition as moot. In support of this position, the government presents documentation which establishes that the petitioner was released from post-removal-order detention to an Order of Supervision on December 27, 2005. *See* Government Exhibit A.

Because the summary judgment type evidence before the court establishes that petitioner is no longer in custody, the court finds that his challenge to his post-removal-order detention is now moot and should be dismissed.

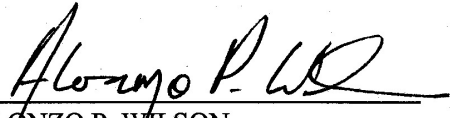
For this reason,

IT IS RECOMMENDED that this petition for writ of *habeas corpus* be DENIED AND DISMISSED WITH PREJUDICE as moot.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 8th day of February, 2006.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE